13th February 1958]

APPENDIX V.

[Vide item No. IV (2) on page 318 supra.]

REPORT OF THE SELECT COMMITTEE ON THE MADRAS CATERING ESTABLISHMENTS BILL, 1957 (L.A. BILL No. 18 OF 1957).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

1. The Select Committee appointed to consider the Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957) has the honour to make the following report. The Committee had instruction to present its report before the last day of the first week of the next meeting.

2. The Bill was published in English in an extraordinary issue of the *Fort St. George Gazette*, Part IV-A, dated the 25th October 1957, and in Tamil on the 30th October 1957.

3. The Select Committee met in the Committee Room, Legislators' Hostel (Old), Government Estate, Mount Road, on the 8th and the 9th January 1958 and again on the 28th January 1958.

4. At its first meeting the Select Committee decided to hear persons who wanted to make representations to the Committee regarding the provisions of the Bill. Representatives from various associations from different parts of the State, representing both the workers in their trade and those who run the trade, gave evidence. The evidence tendered before the Committee is printed with the Minutes of the Committee.

5. The Committee has subjected the clauses of the Bill to a detailed scrutiny with reference to the oral representation made before the Committee and as a result of such scrutiny has made various changes in them. Some of the important changes which the Committee has made are mentioned below :—

Clause 1.

The Committee decided to apply the provisions of the Act to places which may not be within the Panchayats. The clause has been amended accordingly.

Clause 2.

Sub-clause 1.

As nobody seems to be employed as ' apprentices ' in the hotel trade, the Committee has deleted the definition relating to apprentice.

Sub-clause 13.

The Committee felt that there was no need to exempt the restaurants attached to a theatre and, therefore, has amended the sub-clause accordingly.

Clause 4.

The clause did not provide for the renewal of registration. The Committee decided to add a new sub-clause to the effect that the registration certificate shall be valid for a financial year and shall be renewed from financial year to financial year on such payment as may be prescribed.

Clause 10.

The clause provided that the period of work of an employee shall not be spread over for more than 14 hours on any day but did not provide for the number of intervals of rests. The Committee decided that the intervals of rest should not be more than two. The clause has been amended accordingly.

Clause 11.

The clause did not provide for any national holiday or holidays for certain recognized festivals. The Committee decided to provide for such holidays and at the same time making it incumbent on the employer to pay double the wages or to give a paid substituted holiday in lieu, if an employee was asked to work on such holidays. The clause has been amended accordingly.

Clause 12.

The Committee felt that the authorized absence for maternity purposes in the case of a woman employee should be counted for the purpose of determining the period of eligibility for leave with wages. The question whether an employee should apply for leave 10 days before the date on which he wants to proceed on leave was also considered and the Committee felt that it may not always be possible to apply for leave so early and, therefore, decided that the application should be made reasonably in advance. The clause has been amended accordingly.

Clause 14.

The clause provides for the payment of wages in advance. The Committee decided that such advance should be paid if the leave exceeds four days. The clause has been amended accordingly.

Clause 19.

Sub-clause (2) of the clause did not provide for all contingencies. The Committee decided that the employee may be reinstated with or without wages or be paid compensation without reinstatement or be given such other relief. The sub-clause has been amended accordingly.

The Committee did not want the civil courts to have any jurisdiction and therefore, sub-clause (3) has been amended accordingly

13th February 1958]

Clause 23.

The Committee decided that the punishment should be light for the first offence and severe for the second or subsequent offences. Provision has been made accordingly.

The clause has also been amended to provide for the punishment of the employer if he failed to reinstate an employee and for the payment of compensation to the employee from out of the fine collected.

Provision has also been made for the recovery of compensation as delayed wages under provisions of the Payment of Wages Act.

Clause 26.

The Committee decided that the certifying surgeon should be a Government Medical Officer not below the rank of a Civil Assistant Surgeon. The clause has been amended accordingly.

Clause 27.

This clause has been amended so as to empower the Commissioner of Labour to decide questions where the rights or privileges enjoyed before this enactment are more favourable to an employee than those to which he is entitled under this Act or whether all or any of the provisions of this Act apply to a catering establishment, etc., and his decision will be final and will not be liable to be questioned in any court of law.

Clause 29.

The Committee decided that the Government should make rules relating to the health of the employees and the sanitation of catering establishments. The clause has been amended accordingly.

All the clauses have been suitably renumbered and all changes made by the Committee are indicated in the annexed Bill.

The Committee considers that the changes made by it are not of such important character as to require the republication of the Bill.

FORT ST. GEORGE,
MADRAS-9,
28*th January* 1958.

R. VENKATARAMAN,
Chairman.